

REMARKS

Claims 1-10 of the application stand rejected over US Patent No. 6,120,573 to Call. The examiner's position with respect to the Call patent is that although Call does not disclose the microimpactor spacing called for in the present claims, selecting such a spacing would have been obvious in the absence of unexpected results.

Although applicants do not agree with the examiner's reasoning, they nonetheless submit herewith a declaration of Joseph G. Birmingham, one of the inventors of the present invention (as well as the Call patent). The Birmingham declaration describes testing of two microimpactor systems—one in accordance with the present invention, and one closely similar, in terms of microimpactor spacing, to that described in the Call reference.

As set forth in the Birmingham declaration, microimpactor spacing is indeed important to the performance of a microimpactor array. Adjusting the microimpactor spacing in the experiments described by Birmingham results in an improvement in collection efficiency from about 21% to 95-100%.

The information presented in the Birmingham declaration is believed to be sufficient to establish the patentability of the present claims over the Call reference. A notice of allowance is respectfully respected.

Respectfully submitted,
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